

**CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, RANCHI
OA/051/00498/19
With
MA/051/00306/2019**

Date of Order: 18.09.2019

C O R A M

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Madhav Chandra Das @ Madhab Chandra Das, aged about 30 years, son of Sri Sadhu Chandra Das, resident of Sitamarhi, PO- Sitamarhi via Nala, District-Jamtara, PIN- 815355.

.... **Applicant.**

By Advocate: - Mr. K.K. Ojha

-Versus-

1. The Union of India, through Director-General-cum-Secretary, Department of Post and Information Technology, Dak Bhawan, Sansad Marg, new Delhi- 110001.
2. The Chief Post Master General, Jharkhand Circle, Ranchi- 834002.
3. The Director of Postal Services, Jharkhand Circle, Office of the Chief Postmaster General, Jharkhand Circle, Ranchi- 834002.
4. The Senior Superintendent of Post Offices, Santhal Pargana Division, Dumka- 814101, Jharkhand.

.... **Respondents.**

By Advocate: - Mrs. Babita Bharti

O R D E R
[ORAL]

Per J.V. Bhairavia, J.M:- In the instant OA, it is noticed that in response to the order dated 21.12.2018 passed by this Tribunal in OA/051/00158/2017 the applicant has submitted his representation dated 03.01.2019. The said representation dated 03.01.2019 has been considered by the respondents and vide communication dated 31.01.2019 (Annexure A/5) the same has been disposed of by stating cogent reasons. It is stated in the said letter that “..... As per Extant order of Dept. of Posts, India, vide

letter No. 17-115/2001- GDS, dated 21.10.2002 and instructions, a regular GDS is required to provide a substitute at his own risk and responsibility subject to the approval of the competent authority. A regard GDSBPM, Sitamarhi BO Sri Ashok Sarkar who provided /sponsored your name to work as a substitute is now terminated/retired from seva/service on attaining his 65 years of age. Hence, an outsider person can not be allowed to work as a substitute without sponsoring a regular GDS at his own risk and responsibility. Accordingly, your case is disposed of."

2. The learned counsel for the applicant submits that as per the direction of this Tribunal the name of the applicant has not been listed as a Substitute. The respondents have now changed the category of the post of GDSBPM, Sitamarhi and deprived the applicant from his engagement as Substitute GDSBPM. The said submission of the applicant is not tenable in view of the reasons stated by the respondents in their letter dated 31.01.2019. It is noticed that the regular GDSBPM Shri Ashok Sarkar who had sponsored the name of the applicant as Substitute is now no more in service due to his superannuation on attaining the age of 65 years. An outsider person cannot be allowed as a substitute without sponsoring by regular GDS. The said reasons stated by the respondents vide their letter dated 31.01.2019 cannot be said to be suffering from any infirmity. As such, we do not find any right of the applicant to claim for his engagement as Substitute. The OA is thus devoid of merit and accordingly it is dismissed at the admission stage itself. MA is also dismissed accordingly. No costs.

**[Dinesh Sharma]
Administrative Member**

Srk.

**[Jayesh V. Bhairavia]
Judicial Member**